

State Board of Equalization
Sales and Use Taxes Department

Operations Memo

Confidential

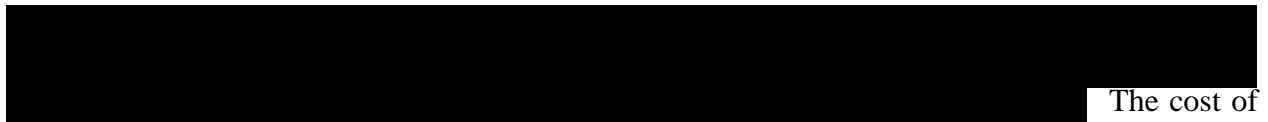
No. : 1042
Date : June 10, 1996
Revised: January 9, 1998

SUBJECT: USE OF CALIFORNIA HIGHWAY PATROL FOR SERVICE OF WARRANTS

A. GENERAL

This operations memo obsoletes Operations Memo No. 916.

The California State Police (CSP) has historically assisted the Board of Equalization (BOE) by serving tax seizure warrants to known tax debtors. As a result of the California Highway Patrol (CHP) and CSP merger, the CHP will now execute tax seizures.

 The cost of using the CHP can be estimated using a rate of \$55 per hour (See Attachment A). This memo outlines the procedures necessary for effective service.

B. GUIDELINES

District Office Guidelines

1. Till Tap Warrants:

District offices will request issuance of a warrant by directing a BOE-200-W, *Special Procedures Warrant Request*, to the Headquarters Special Procedures Section (via a Special Taxes template or on-line via ACMS). The BOE-200-W should include a notation indicating the use of the CHP and the following information:

- a. Name, address and account number of taxpayer.
- b. The preferred date and time of service.
- c. The specific location of the assets to be seized by the CHP.
- d. A specific description of the property or asset.
- e. The name and telephone number of the person who should be contacted in the district office should questions arise.
- f. The tax debtor's social security number (SSN) or federal employer identification number (FEIN).
- g. The total liability to be collected, including any amounts which are due but not yet billed.
- h. Special instructions, such as "Return original warrant to the field office for service to CHP".

Upon receipt of payment from CHP on the collection of a warrant, the fees should be estimated by the tax representative, using the fee schedule provided on Attachment A and the Form CHP-472, *Disbursement/Billing Request* which the CHP Accounting Section provides with each remittance. **The estimated fees should be paid from the proceeds of the warrant prior to the application of the payment of the taxes due.** Fees can be applied using the Form GA 904, *Advice of Miscellaneous Receipts*. A copy of the GA-904 should be forwarded to Special Procedures. If the fees can be paid in full from the proceeds of the warrant, the remaining amount may be applied to the accounts receivable balance.

If the fees are not paid from the original warrant remittance, the field office will receive a request from Special Procedures to collect the outstanding fees as allowed under Revenue and Taxation Code Section 6778, *Collection of Fees*. If the field office is unable to collect the fees, and there exists available payments (payment/s made after the CHP levy date) on an *active* accounts receivable, then the field office should send a request to Special Procedures to process a fund transfer. An accounts receivable printout should be attached, showing the specific payment/s to be transferred.

The Board can only recover their cost up to the amount of the statutory fees that a Sheriff would charge for executing a writ of execution. Currently, the California Government Code (CGC) Section 26722 provides for a **service** fee of \$75.00. Additionally, CGC Section 26726 provides for a **keeping** fee of \$75.00 per officer. For a standard till-tap warrant, involving one officer, the total fees which are subject to reimbursement from the taxpayer are \$150.00 per day. If two officers are involved, the total fees are \$225.00 per day. These fees may be subject to change.

If a till tap fee is expected to exceed these statutory limits, collection methods other than a CHP till-tap warrant should be used. If the fees [REDACTED] unexpectedly exceed the limits allowed in the California Government Code, a memo may be sent to Special Procedures indicating that the fees should be dismissed. Special Procedures will forward the memo to Accounting Section, Revolving Fund Desk, requesting that the balance of the fees be scheduled with the State Controller.

2. Arrest Warrants

The CHP may also be used for execution of arrest warrants in areas or circumstances where adequate assistance cannot be obtained from local law enforcement. As a general rule, we should use local law enforcement first if they will take positive action to execute the warrant within a reasonable time period; i.e., 30 days.

Complete and accurate information regarding the taxpayer must be provided including social security number, residence and business locations.

The district office will prepare and attach Form BOE-558, Additional Information (Attachment C), to the arrest warrant and deliver the forms to the appropriate CHP field division office (see Attachment B for a list of CHP Field Offices).

Headquarters Guidelines

Special Procedures Section:

Upon receipt of a BOE-200W, *Special Procedures Warrant Request*, from the field, a warrant should be prepared by the Headquarters Special Procedures Section and sent to the appropriate CHP Division Office. When the warrant is received by the CHP, the tax seizure officer will ensure the service location is within the tax seizure officer's assigned Division and will request a case number from the CHP's Investigative Services Section. A list of CHP field division offices is attached (Attachment B).

If the field office receives the fees from the original warrant remittance and applies them on a GA-904 to the Cashier Section, then the Cashier Section will forward copies to Special Procedures and the Accounting Section. Special Procedures will then log the collected fees and close their follow-up on the warrant.

If the fees are not paid from the original warrant remittance, Special Procedures should receive a quarterly reconciliation request from the Accounting Section to facilitate the collection of the outstanding fees as allowed under Revenue and Taxation Code Section 6778, *Collection of Fees*. Special Procedures will forward a request to the appropriate field office to collect the fees in the time allotted by the Accounting Section, or to move an available payment/s (payment/s made after the CHP levy date) from *active* accounts receivables.

Special Procedures must log the request and follow up on the action taken by the field office. If a payment is received on a Form GA 904, *Advice of Miscellaneous Receipts*, then a copy should be forwarded to the Accounting Section, Revolving Fund Desk to reconcile the record. If the field office sends a request to Special Procedures for a funds transfer, Special Procedures will complete the funds transfer and forward a copy to the Accounting Section, Revolving Fund Desk to reconcile the record.

If the fees [REDACTED] unexpectedly exceed the limits allowed in the California Government Code, Special Procedures will receive a memo from the field indicating that the fee should be dismissed. Special Procedures will forward the memo to Accounting Section, Revolving Fund Desk, requesting that the balance of the fees be scheduled with the State Controller.

Accounting Section:

The Board's Accounting Section will send a quarterly report of all outstanding CHP fees to Special Procedures for reconciliation.

The Accounting Section will schedule uncollectible fees with the State Controller when notified by Special Procedures or after one year from the issue date of the check, whichever occurs first.

OBSOLESCENCE

This Operations Memo will become obsolete when incorporated into the appropriate manuals.

James E. Speed
Deputy Director,
Sales and Use Tax Department

Distribution: 1-D

**California Highway Patrol
Tax Warrant Rates
1997/98**

RANK	REGULAR SALARY	OVERTIME SALARY
Officer	\$52.44	\$48.12
Sergeant	\$62.72	\$58.10
Motorcycle Officer	\$54.35	\$49.97
Motorcycle Sergeant	\$64.71	\$60.03

MILEAGE RATES:

Vehicle	\$.48/mile
Motorcycle	\$.81/mile

NOTES:

Rates are subject to change based on increases or decreases in salary, benefits and overhead.

Regular salary rates appear higher than overtime since benefits are included in regular salary rates only. Motorcycle operation costs are higher due to safety and maintenance costs.

Southern Division charges regular salary rather than overtime even when serving in the evening hours.

CALIFORNIA HIGHWAY PATROL
FIELD DIVISION OFFICES

Northern Division

2485 Sonoma Street
Redding, CA 96001-3026
(916) 225-2175
CALNET 8-442-2715

Golden Gate Division

1151 Benicia Road
Vallejo, CA 94591
(707) 648-4180
CALNET 8-574-4180

Southern Division

411 North Central Avenue, Ste. 410
Glendale, CA 92303-2020
(818) 240-8200
CALNET 8-667-4686

Coastal Division

4115 Broad Street, Ste. B-10
San Luis Obispo, CA 93401
(805) 549-3261
CALNET 8-629-3261

Valley Division

11336 Trade Center Drive
Rancho Cordova, CA 95742
(916) 464-2090
CALNET 8-433-2090

Central Division

5179 North Gates Avenue
Fresno, CA 93722
(209) 488-4329
CALNET 8-422-4329

Border Division

9330 Farnham Street
San Diego, CA 92123
(619) 637-7158
CALNET 8-734-7158

Inland Division

847 East Brier Drive
San Bernardino, CA 92408
(909) 383-4811
CALNET 8-670-4811